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**VIA EMAIL AND U.S. MAIL**

Board of Excelencia Charter Academy  
c/o Ruben Alonzo  
Excelencia Charter Academy  
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c/o Ana Maria Lasso  
Board Chair  
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CHARTER SCHOOLS DIVISION  
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LAUSD  
CHARTER SCHOOLS  
DIVISION

2018 JUN 12 AM 10:35

Re: Violations of Brown Act, CAL. GOV'T CODE §§ 54950, *et seq.*

Dear Excelencia Charter Academy Board of Education Members:

This office represents United Teachers Los Angeles (“UTLA”), and we are writing on its behalf to demand that the Board of Education, Excelencia Charter Academy (“Board”) cure violations of the Brown Act and make an unconditional commitment to avoid future violations of the Brown Act.<sup>1</sup> It is UTLA’s understanding that over the past nine months, the Board has engaged in a pattern of secrecy by holding meetings at locations inaccessible to the public. Specifically, it has held meetings and conducted teleconferenced meetings at locations closed to the public and/or the disabled, such as at private homes and at private businesses such as Netflix, and also at businesses that require purchase or payment to be present, such as at Starbucks. By preventing the public from physical access to its meetings—and aggravating this injury by failing to post meeting minutes and provide a translation of its meeting agendas and minutes in Spanish, which the majority of parents who are interested in the proposed charter school speak—the Board has failed to promote public participation and appears to have violated the Brown Act in several ways.

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<sup>1</sup> CAL. GOV'T CODE §§ 54950, *et seq.*

**I. Violations of the Brown Act: Meetings and teleconferencing locations held at locations inaccessible to the public and/or disabled, and at locations requiring payment or purchase.**

“The Brown Act is designed to encourage public participation in government decision making by requiring that public agencies take action and conduct deliberations openly.”<sup>2</sup> The Act protects the “public’s right to attend the meetings of public agencies.”<sup>3</sup> Accordingly, the meetings must be “open and public” and all “persons shall be permitted to attend.”<sup>4</sup>

While teleconferencing is permitted, “each teleconference location shall be accessible to the public.”<sup>5</sup> In addition, the agency “shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.”<sup>6</sup> *Id.* This means that in addition to having an opportunity for the public to address the legislative body at each teleconference location, *id.*, the Board may not hold meetings or teleconference locations at:

[A]ny facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, *or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.* This section shall apply to every local agency as defined in Section 54951.<sup>7</sup>

The Brown Act’s requirements also apply to standing committees of the Board.<sup>8</sup>

It is UTLA’s understanding the over the past nine months, the Board and its standing committees have repeatedly violated the Brown Act by:

- Holding Board and committee meetings at locations requiring “payment or purchase” to be present, including but not limited to multiple meetings at Starbucks and La Carreta/La Azteca Tortilleria Restaurant, on April 9, 2018, March 5, 2018, February 5, 2018, January 9, 2018, January 8, 2018, December 11, 2017, November 14, 2017, October 24, 2017, September 27, 2017, and August 17, 2017.
- Holding Board and committee meetings at main and remote locations that may not be open to the public and may lack an agenda posted for the public, and at

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<sup>2</sup> CAL. GOV’T CODE § 54950; *Bell v. Vista Unified Sch. Dist.*, 82 Cal. App. 4th 672, 681 (2000).

<sup>3</sup> *Int’l Longshoremen’s & Warehousemen’s Union v. L.A. Exp. Terminal, Inc.*, 69 Cal. App. 4th 287, 293 (1999); *see also Freedom Newspapers, Inc. v. Orange County Emps. Ret. Sys.*, 6 Cal. 4th 821, 825 (1993).

<sup>4</sup> CAL. GOV’T CODE § 54953(a).

<sup>5</sup> CAL. GOV’T CODE § 54953(b)(3).

<sup>6</sup> CAL. GOV’T CODE § 54953(b)(3).

<sup>7</sup> CAL. GOV’T CODE § 54961 (emphasis added).

<sup>8</sup> CAL. GOV’T CODE § 54952(b).

numerous locations that likely lack access for individuals with physical disabilities, including the private residences of Board members and Board members' private places of work, such as at Netflix and State Farm offices and the Wallis Anneberg Hall at Exposition Park, and including at locations outside of the District's boundaries, such as New York, on April 26, 2018, April 9, 2017, March 7, 2018, March 5, 2018, February 7, 2018, February 5, 2018, January 17, 2018, January 9, 2018, January 8, 2018, December 11, 2017, October 24, 2017, and September 27, 2017.

Within the last 90 days, at the March 7 and April 26 meetings, the Board held votes on various matters that should be invalidated due to the Board's apparent failure to comply with the Brown Act. This includes the Board's vote on April 26 on the Prop 39 Facilities Use Agreement, regarding the co-location of a charter school at Sunrise Elementary School. There are no minutes available from the April 26 meeting when the Board took this vote.

## **II. Demand and Relief Sought**

UTLA hereby demands that the Board cure its violations of the Brown Act and invalidate the votes it took at its March 7 and April 26 Board Meetings.<sup>9</sup> UTLA also demands that the Board cease and desist from its repeated violations of the Brown Act over the past 9 months by holding meetings and teleconferencing locations inaccessible to the public and disabled and requiring payment or purchase. The Board should publicly recognize these violations of the Brown Act and make an "unconditional commitment" to not repeat these violations in the future, to be approved at a regular or special meeting as a separate item of business.<sup>10</sup>

The Board has up to 30 days to take these actions.<sup>11</sup> Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

Bush Gottlieb  
A Law Corporation

Joshua Adams

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<sup>9</sup> CAL. GOV'T CODE § 54960.1(c)(2); *Page v. Mira Costa Cnty. Coll. Dist.*, 180 Cal. App. 4th 471, 505 (2009) ("[A] 'cure' requires that the challenged action be thoroughly reconsidered at a properly noticed public meeting, not merely ratified at a public meeting.").

<sup>10</sup> CAL. GOV'T CODE § 54960.2(c)(1).

<sup>11</sup> CAL. GOV'T CODE § 54960.1(c)(2); § 54960.2(b).